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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Saeid Esmaeilzadeh :
Application No. 10/541,871 : DECISION ON PETITION
Filed: July 11, 2005 :
Attorney Docket No. 065427-076779 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Rejection of December 10, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), an amendment under 37 CFR 1.114, and fee of \$810; (2) the petition fee of \$1540; and (3) a proper statement of unintentional delay.

Finance records indicate an overpayment in the amount of \$810 for a RCE. A refund in the amount of \$810 will be credited to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1793 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment.

Bryan W. Brown
Petitions Examiner
Office of Petitions